

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

LARRY E. RICHARDS, on behalf of himself and all  
others similarly situated,

Plaintiff,

- against -

AXA EQUITABLE LIFE INSURANCE COMPANY f/k/a/  
EQUITABLE VARIABLE LIFE INSURANCE COMPANY,

Defendant.

06 CV 3744 (PAC)

CLASS ACTION

JURY TRIAL DEMANDED  
USDS SDNY

DOCUMENT

ELECTRONICALLY FILED

DOC #:

DATE FILED: DEC 05 2008

12/5/2008  
The Application is Granted  
The case reopened  
S. O. R. L. L.  
Paul M. Muthy  
USDS

### PLAINTIFF'S UNOPPOSED MOTION FOR REINSTATEMENT

Plaintiff Larry E. Richards ("Richards"), by his attorneys, respectfully moves this Court to reinstate this action. In support of this unopposed motion, Richards states as follows:

1. On June 17, 2008, counsel for AXA, on behalf of all parties, requested that the Court adjourn a pretrial conference scheduled for June 18, 2008 because the parties had reached a settlement in principle of this action and expected to conclude their settlement within 30 to 45 days.

2. On June 18, 2008, this Court issued an Order of Discontinuance, discontinuing the action, subject to reinstatement should the parties not consummate their settlement within 45 days.

3. On August 4, 2008, this Court granted the parties Joint Motion for Extension of Time, seeking an additional 60 days from August 1, 2008, in which to consummate the settlement.

4. As of December 3, 2008, the settlement has not yet been consummated.

MEMO ENDORSED

MEMO ENDORSED

5. Because of the class allegations in the Complaint, Plaintiff has determined that consummation of the settlement may require Court action and that the settlement can otherwise best be consummated within the context of this action, rather than outside it.

6. Plaintiff respectfully requests that this action be reinstated in order to permit the parties to complete their settlement, which they expect to do within 30 days of reinstatement.

7. The parties have conferred and Defendant has stated that it does not oppose the reinstatement of this action and that Plaintiff may inform the Court that the motion is (and the motion may be styled as) unopposed.

Dated: New York, NY  
December 4, 2008

HANLY CONROY BIERSTEIN SHERIDAN  
FISHER & HAYES LLP

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